

## **Chapter 17: Traffic and Public Roadways**

### **Article 1: Traffic Control**

#### *Section 1: Adoption of State and Federal Laws*

- (a) For the purpose of regulating vehicles and traffic in the City, there is hereby adopted the following Federal regulations:
  - (i) Parts 382, 383, 390, 391, 392, 393, 395, 396, and 397 of Title 49 of the U.S. Code of Federal Regulations, “The Commercial Motor Vehicle Safety Act of 1986;” and
  - (ii) The Federal “Out of Service” Criteria as amended from time to time.

These provisions are adopted as fully as if set out at length herein.

- (b) Adoption of state law by reference.
  - (i) Pursuant to Chapter 6 of Title 40 of the Official Code of Georgia Annotated, Code Sections 40-6-372 through 40-6-376, Code Sections 40-6-1 through 40-6-395, known as the “Uniform Rules of the Road” and the definitions contained in Code Section 40-1-1 are hereby adopted as and for the traffic regulations of this Municipality with like effect as if recited herein.
  - (ii) *Penalties.* Unless another penalty is expressly provided for by law, every person convicted of any provision of this ordinance shall be punished as provided by Chapter One, Article 3, Section 1 of this Code of Ordinances.
  - (iii) *Effective date.* This ordinance shall take effect from and after its passage by the City Council of the City of Dunwoody.
- (c) Any ordinance and/or part of this Chapter of the Code of Dunwoody, which specifically designates the speed limits on the public streets of the City and/or which designates one way streets, are not affected by the adoption of the “Uniform Rules of the Road.”
- (d) The Police Department is hereby empowered and authorized to enforce all provisions of this Chapter upon all roads in the City of Dunwoody.

#### *Section 2: Temporary Traffic Regulations*

In cases where traffic upon the streets of the City may become congested upon occasions of parades, at theaters, and other public assemblages where large numbers of vehicles are assembled, the police may make temporary rules directing and regulating the traffic in these congested districts, and any person, who, after being warned of the temporary traffic regulations, shall violate them shall be liable for that violation as for other violations of this Code.

#### *Section 3: Funeral Processions*

- (a) A “Funeral Procession” is a group of vehicles traveling from a funeral home or similar business to a cemetery or other proper burial site. Funeral processions shall be lead by a funeral vehicle such as a hearse, and all cars in the procession shall burn regular headlights and stay in close formation.
- (b) Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and shall keep in close formation. When the lead vehicle in a funeral

procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though such signal may change to red.

*Section 4: Speed Limits on Certain Streets; violations*

- (a) Speed limits enumerated. The maximum speed limits on the public streets or parts of the public streets are set forth in **Exhibit A**, identified as "Dunwoody Speed Limits," and by this reference incorporated herein. Exhibit A establishes speed limits for all roadways currently within the territorial boundaries of the city.
- (b) It shall be unlawful for any person to drive within or upon any of the streets in the City of Dunwoody at a rate of speed in excess of the speed limit as listed for such street in Exhibit A and as posted on each such street.
- (c) Amendment to Exhibit A. The City may add to or amend the list of roadways designated in Exhibit A from time to time pursuant to the statutes and regulations governing the establishment or alteration of speed limits and zones in the State.
- (d) Exhibit A incorporated by reference. Exhibit A referenced in this section, as amended from time to time, is incorporated herein by reference as if set out in its entirety and the original shall be maintained in the office of the City Clerk, and a copy shall be maintained in the office of the Public Works Director, and available for inspection by the public during city business hours.

*Section 5: Skateboards and Bicycles*

- (a) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices upon a public street, highway, or sidewalk in a manner which would constitute an unreasonable danger to the public or which would disrupt the public's ordinary and customary use of such street, highway or sidewalk.
- (b) No person shall ride a bicycle or propel rollerskates, skateboards, or other similar devices on sidewalks which are properly designated for pedestrians only. The Chief of Police and the Department of Public Works, after approval of the Public Works Director, are authorized to erect or have erected signs on any sidewalk or roadway prohibiting the riding of bicycles or propelling of rollerskates, skateboards, or other similar devices. When such signs are in place, no person shall disobey the signs.
- (c) Whenever any person is riding a bicycle or skating upon a sidewalk, that person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
- (d) Any person violating any provision of this section is guilty of a violation of this Code; provided, however, that any offender under the age of 17 years shall be treated as provided by O.C.G.A. Title 15, Chapter 11 (O.C.G.A. § 15-11-1 et seq.). The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit that child or ward to violate any provision of this section.

*Section 6: Private Residential Property Trespass and Private Residential Property Trespass Towing*

- (a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Park* means to park unattended or abandon a vehicle on private residential property without authority or permission of the owner or occupant of the private residential property.

*Private residential property* means residential property within the City which is privately owned and which contains not more than four residential units thereon.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

*Wrecker or wrecker service* shall mean an automotive vehicle with hoisting apparatus and equipment for towing vehicles which meets the qualifications imposed by the State of Georgia Public Service Commission and the City for nonconsensual towing pursuant to the provisions of O.C.G.A. § 44-1-13, as may be amended from time to time, and Chapter 11 of the transportation rules of the State of Georgia Public Service Commission, as may be amended from time to time.

- (b) Prohibited on private residential property without invitation. It shall be unlawful for any person to park a vehicle upon private residential property in the City without invitation or permission from the owner or person in legal possession of the premises. Any person or his or her authorized agent entitled to the possession of any parcel or space of private residential property shall have the right to remove or cause to be removed from the private residential property any vehicle thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle.
- (c) Removal and storage. Upon notification by a person entitled to the possession of private residential property that a vehicle is trespassing thereon, the City Police Department shall provide such person with the name and telephone number of the City's authorized wrecker service for nonconsensual towing, as determined by resolution of the City Council of the city. The City Police Department shall not contact the wrecker service directly for the removal of the trespassing vehicle from the private residential property, but shall assist the person owning the private residential property by providing the name and telephone number of the city's authorized wrecker service for nonconsensual towing.
- (d) State law adopted. The provisions of O.C.G.A. § 44-1-13 are hereby adopted by reference.

*Section 7: Vehicles propelled by human or animal power prohibited on limited-access highways*

It shall be unlawful for any person to push or drive any vehicle upon the limited-access highways of the City which is propelled by human or animal power, including any bicycle, tricycle, pushcart, animal-drawn vehicle of any kind and any vehicle incapable of a speed of at least forty-five (45) miles per hour.

### *Section 8: Sanitation vehicles*

All employees and vehicles of the City, when engaged or used in performance of sanitation or solid waste collection and disposal service, shall have the right-of-way in the use of the streets, and may use any part thereof in cleaning up and washing streets.

### *Section 9: Limitation on turning around*

The driver of any vehicle shall not turn that vehicle so as to proceed in the opposite direction upon any street in a business district, or upon any street between intersections. These turns may be made outside of a business district at intersections not controlled by a traffic signal.

## **Article 2: Traffic Signs, Signals and Markings**

### *Section 1: Removal of signs from public right-of-way*

The Public Works Department may remove any signs located in public rights-of-way.

### *Section 2: Installation*

The Public Works Department shall cause to be placed and maintained traffic-control signs, signals and devices when and as required under this Chapter and other traffic ordinances of the City to make effective the provisions of this Chapter and those ordinances. The Public Works Department may cause to be placed and maintained such additional traffic-control devices as deemed necessary to regulate traffic under this Chapter and other traffic ordinances of the City or under State law, or to guide or warn traffic.

### *Section 3: Designation of crosswalks; establishment of safety zones; marking of traffic lanes*

The Public Works Department may:

- (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway and at such other places as deemed necessary. The City may make proper studies of all existing crosswalks not at roadway intersections and shall abolish those which are unnecessary.
- (2) Establish safety zones of such kind and character and at such places as necessary for the protection of pedestrians.
- (3) Mark lanes for traffic on street pavements at places consistent with this Chapter and other traffic ordinances of the City.

#### *Section 4: Specifications of traffic control devices*

All traffic-control signs, signals and devices shall conform to specifications in the Manual on Uniform Traffic-Control Devices adopted by the State Transportation Board. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic-control devices so erected and not inconsistent with the provisions of State law or this Chapter shall be official traffic-control devices.

### **Article 3: Truck Routes**

#### *Section 1: Enactment authority*

The Mayor and City Council of Dunwoody, Georgia, under the authority of Article 9, Section 2, Paragraph II (Home Rule For Municipalities) and Article 9, Section 2, paragraph III (Supplementary Powers) of the 1983 Constitution of the State of Georgia, as amended, hereby ordain and enact into law this Article.

#### *Section 2: Purpose*

The Governing Authority of the City of Dunwoody, Georgia, is authorized to adopt ordinances for the governing and policing of areas within the city limits for the purpose of protecting the public health safety and welfare. Specifically, the governing authority may provide for the regulation and control of motorized vehicles on the streets of the City; plan, designate, improve, manage, control and maintain an adequate city roadway system; and determine the maximum load, weight and vehicle dimensions which can be safely transported over each bridge on the city roadway system. Accordingly, the Mayor and City Council hereby enact the following provisions in an effort to regulate and control motorized vehicles within the city limits for the purpose of protecting and preserving the public health, safety, and welfare of the citizens; to thereby curb the usage of certain residential streets in the City by trucks as cut through routes, and to discourage the parking of such vehicles on these streets and public right of ways.

#### *Section 3: Definitions*

As used in this Article, unless the context clearly requires otherwise, the following words or phrases shall have the following meanings:

“*Driver*” means every person who drives or is in actual physical control of a vehicle.

“*Bimodal semitrailer*” means a detachable load-carrying unit designed to be attached to a coupling on the rear of a truck by which it is partially supported during movement over the highway and designed either with retractable flanged wheels or to attach to a detachable flanged wheel assembly for movement on the rails.

“*Governing authority*” means the Mayor and City Council of Dunwoody, Georgia, and where delegated by the Mayor and Council, the City of Dunwoody Police Department and/or any other city personnel.

“*Gross weight*” means the weight of a vehicle without load plus the weight of any load thereon.

“*Motor vehicle*” means every vehicle that is self propelled.

“*Operator*” means any person who drives or is in actual physical control of a motor vehicle.

“*Owner*” means a person, other than a lienholder or security interest holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle

subject to a security interest in or lien by another person but excludes a lessee under a lease not intended as security except as otherwise specifically provided in this Article.

“*Person*” means every natural person, firm, copartnership, association, or corporation.

“*Pneumatic tire*” means every tire in which compressed air is designed to support the load. A vehicle shall be considered equipped with pneumatic tires when pneumatic tires are used on all wheels.

“*Pole trailer*” means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

“*Police officer*” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

“*Public or private property*” means the right-of-way of any road or highway; any body of water or watercourse or the shores thereof; any park, playground, building, refuge or conservation or recreation area, and residential or farm properties, timberland or forest.

“*Private road or driveway*” means every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner, but not by other persons.

“*Roadway*” means that portion of a street, road, or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term “roadway” shall refer to any such roadway separately, but not to all such roadways collectively.

“*Semitrailer*” means a detachable load-carrying unit designed to be attached to a coupling on the rear of a truck by which it is partially supported.

“*Sidewalk*” means that portion of a street between the curb lines, or the lateral lines of a railway, and the adjacent property lines, intended for use by pedestrians.

“*Stand or standing*” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

“*Stop or stopping*”:

- (a) When required, means complete cessation from movement; or
- (b) When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

“*Tractor*” means any self-propelled vehicle designed for use as a traveling power plant or for drawing other vehicles but having no provision for carrying loads independently.

“*Trailer*” means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

“Truck” means any motor vehicle having a gross weight of 18,000 pounds or over which is designed and used for the transportation of merchandise or freight.

“Truck camper” means any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space.

#### *Section 4: Restrictive vehicles required to use truck routes; exceptions*

All trucks are prohibited from using roadways within the city limits of Dunwoody, except those roadways authorized by this Article as truck routes, including any amendments hereof, or as may be further designated by the governing authority as truck routes, except when:

- (a) The terminal, parking lot, repair garage, or headquarters of the restricted motor vehicle is not a designated truck route, ingress to and egress from those places shall be made by the most direct route available between the terminal, parking lot, repair garage or headquarters and nearest designated truck route;
- (b) A delivery or pickup is to be made at a location which is not on a designated truck route; ingress to and egress from that location shall be made by the most direct route available between that location and the nearest designated truck route;
- (c) A delivery or pickup is to be made by a truck, road tractor, combination road tractor-trailer within any area which is not on a designated truck route; such delivery or pickup shall not be made between the hours of 7:00 a.m. and 7:00 p.m.

#### *Section 5: Truck routes; posted regulatory signs*

A list and map of approved truck routes shall be kept on file with the Dunwoody Police Department and the City Clerk. The list of truck routes may be revised as deemed necessary by the Dunwoody Police Department with the approval of the governing authority, with the entire list requiring renewal by the governing authority biannually. All listed routes will be further identified by posted regulatory signs.

#### *Section 6: Use of temporary truck routes by restricted vehicles*

If a designated truck route, or any portion thereof, shall be under repair or otherwise temporarily out of use, restricted vehicles, as defined in this Article, shall use other temporary truck routes as may be designated by the governing authority and further identified by the posting of the regulatory traffic control sign.

#### *Section 7: Evidence required for restricted vehicle to be off truck route*

When upon roadways other than those designated as truck routes, any person driving or in charge or control of any of the motor vehicles restricted by this Article shall be prepared to present for inspection of police officers his log book, weight slips, delivery slips or other written evidence of his or her destination and point of origin to justify the presence of the restricted vehicle on a roadway other than a designated truck route.

#### *Section 8: Weight of vehicle and loads*

No vehicle shall be operated on any roadway within the city limits of Dunwoody, Georgia, designated as a truck route, with a total gross weight in excess of 56,000 pounds unless the vehicle is making a pickup or delivery on such road. The maximum gross weight of any vehicle operating on any roadway within the city limits of Dunwoody, Georgia, shall not exceed 80,000 pounds.

*Section 9: Weight limitations on streets, bridges and culverts*

- (a) It shall be unlawful to operate any motor vehicle on any street within the city limits of Dunwoody, Georgia, where the weight of such motor vehicle, with or without load, is in excess of the weight as limited by this Article and where signs indicating such limitations are posted. Further, it shall be unlawful to drive any motor vehicle over a bridge or culvert within the city limits of Dunwoody, Georgia, over the weight capacity shown on said bridge and/or culvert.
- (b) The driver and/or owner shall be liable to the City for any and all damages caused by driving an overweight motor vehicle over any street, bridge and/or culvert with a posted sign. These damages are in addition to any fine or punishment that may be assessed for violation of this Article.

*Section 10: Enforcement of weight and load limitations*

- (a) Any person who violates the load limitations provisions of this Article shall be conclusively presumed to have damaged the public roads, including bridges within the city limits by reason of such overloading and shall, in addition to any other penalty at law, recompense the City for such damages in accordance with O.C.G.A. § 32-6-27, as same may be amended.
- (b) Any owner or operator of a vehicle which is operated on the public roads within the city limits of Dunwoody, Georgia, in violation of the weight limits provided in this Article shall be required, in addition to paying the monies provided in subsection (a) of this section, to unload all gross weight in excess of 6000 pounds over the legal weight limit before being allowed to move the vehicle.
- (c) Any person authorized by State law and this Article to enforce this Article may seize the offending vehicle of an owner who fails or whose operator has failed to pay the monies proscribed in subsection (a) of O.C.G.A. § 32-6-27 and hold such vehicle until the proscribed moneys are paid. Any authorized person seizing such vehicle under this subsection or subsection (b) of this section may, when necessary, store the vehicle, and the owner thereof shall be responsible for all reasonable storage charges thereon. When any vehicle is seized, held, unloaded or partially unloaded under this section, the load or any part thereof shall be removed or cared for by the owner or operator of the vehicle without any liability on the part of the authorized person or the City because of damage to or loss of such load or any part thereof.

*Section 11: Parking of trucks and trailers*

It shall be unlawful to park any truck or any trailer which is designated by the Department of Public Safety for a license tag in a weight category heavier than 6,000 pounds on the right-of-way of any residential street or upon residential zoned property, unless said vehicle is making a delivery to said residential property. School buses shall not fall under this section. This section shall not apply to construction vehicles, trailers, or equipment temporarily located within a construction area, provided such vehicles, trailers or equipment are used in connection with dwelling units under construction within such construction area.

*Section 12: Parking or storage of unlicensed, inoperable vehicles, trailers or equipment*

Vehicles and trailers of any kind without current license plates, or vehicles, trailers or equipment permitted to remain in an inoperable condition for more than 30 days, shall not be parked or stored



on or about any property within a residential zoned district. Provided, however, this section shall not apply to vehicles, trailers or equipment stored in an enclosed structure or appropriately covered and located in the rear yard area.

*Section 13: Penalties; enforcement generally*

- (a) Any person who violates this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not more than \$1,000.00 or no more than 60 days in jail or both for each occurrence; and each occurrence shall be deemed a separate offense.
- (b) Unless otherwise specifically provided by resolution of the Mayor and City Council, the enforcement of this Article shall be within the jurisdiction of the City's Police Department and any other City Officer authorized by the State of Georgia to make misdemeanor criminal arrests. Persons designated by the governing authority are hereby authorized to issue citations or summons or both, charging violations under this Article, returnable to a court or courts having jurisdiction over state traffic offenses or other courts having jurisdiction over violations of city ordinances.
- (c) For purposes of enforcing the provisions of this article, any City of Dunwoody, Georgia, court or courts having jurisdiction over state traffic offenses or other courts having jurisdiction over violations of city ordinances shall be entitled to take such action to ensure compliance, and the person convicted shall reimburse the City for any cost or expense associated with such compliance efforts, and the City shall be entitled to place a lien on the property or require a bond from the person to secure payment and reimbursement for these expenses.

**Article 4: Stopping, Standing and Parking**

*Section 1: Signs required for enforcement*

When by this Chapter or any other ordinance or order of the Public Works Department any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the Public Works Department to erect appropriate signs giving notice thereof, and no regulations shall be effective unless these signs are erected and in place at the time of any alleged offense. At least one (1) sign shall be erected in each block on each side of the street where parking is either prohibited or restricted.

*Section 2: Emergency parking restrictions*

When not inconsistent with this Chapter or any other ordinance, the Chief of Police has authority in an emergency to prohibit the parking or stopping of vehicles on any street or portion of a street or to close a street to traffic. All these orders shall be temporary only.

*Section 3: Authority to prohibit parking on certain streets*

When not inconsistent with this Chapter or any other ordinance, the Chief of Police may prohibit parking or stopping of vehicles on any street or portion of a street when traffic and

engineering surveys indicate that stopping or parking may impede the free flow of traffic on the street.

*Section 4: Loading and unloading at angle to curb; permit*

The Chief of Police may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms or conditions of these permits. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle, and shall grant to that person the privilege as therein stated in this section. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of the permit.

*Section 5: Leaving vehicle unattended; setting brakes, stopping motor*

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of the vehicle and, when standing upon a perceptible grade, without turning the wheels of this vehicle to the curb or the side of the street or highway.

*Section 6: Parking prohibited in certain places*

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic-control device, at any place prohibited by ordinance and indicated by official signs or markings.
- (b) No person shall move a vehicle, not lawfully under such person's control, either into any prohibited area or move and leave such vehicle away from a curb such distance as is prohibited by this Chapter or other ordinance.
- (c) At the locations designated by the Public Works Department or, if no such designation has been made by the Public Works Department, by DeKalb County ordinances, as indicated by official signs or markings, parking is prohibited as indicated.

*Section 7: Parking not to obstruct traffic*

No person shall park any vehicle upon a street in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

*Section 8: Parking for certain purposes prohibited*

No person shall park a vehicle upon any roadway for:

- (1) Displaying the vehicle for sale.
- (2) Washing, greasing or repairing the vehicle, except repairs necessitated by sudden emergency; in such emergency the vehicle shall be moved or towed away with all due haste.

- (3) Displaying advertising.

*Section 9: Parking adjacent to schools*

- (a) The Public Works Department may erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in such designated place.

*Section 10: Parking on narrow streets*

- (a) The Public Works Department may erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by signs when the width of the roadway does not exceed thirty (30) feet.
- (b) When official signs prohibiting parking are erected upon narrow streets, no person shall park a vehicle upon such streets in violation of the sign.

*Section 11: Parking on one-way streets*

The Public Works Department may erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles. When these signs are in place, no person shall stand or park a vehicle upon such left-hand side.

*Section 12: Parking on one-way roadways*

If a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking. The Public Works Department may determine when standing or parking may be permitted upon the left-hand side of the one-way roadway and erect signs giving notice thereof.

*Section 13: Hazardous or congested places*

- (a) The Public Works Department may determine and designate by proper signs, places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in such designated place.

#### *Section 14: Designation of curb loading zones*

The Public Works Department may determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating them and stating the hours during which the provisions of this section are applicable.

#### *Section 15: Freight curb loading zones*

- (a) No person shall stop, stand or park a truck for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to these zones are in effect, nor stop, stand or park any other vehicle for the unloading or loading of materials.
- (b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading and unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

#### *Section 16: Parking of taxicabs and busses regulated*

The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop, or taxicab stand, respectively, except that this provision shall not prevent the driver of such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading and unloading passengers, and except for making emergency repairs. The provisions of this section shall not apply to common carriers stopping at regular designated passing or layover locations.

#### *Section 17: Use of bus and taxicab stands restricted*

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

#### *Section 18: Bus stops*

- (a) A no parking zone of eighty (80) feet shall be created at all bus stops for the purpose of loading and unloading passengers.
- (b) These no parking zones shall be marked by signs and, in addition, these zones in all congested areas shall have the curbs painted yellow. This proper marking of zones shall be maintained by the companies operating buses in and out of these zones.
- (c) Buses or any vehicles parked in these zones for the purpose of loading and unloading passengers shall pull as close to the curb as possible.

- (d) This section does not prohibit buses from loading and unloading at platforms at loading zones where they are provided for that purpose in the street.

*Section 18: Restrictions on parking heavy or oversized vehicles, campers, boats, etc., on residential streets*

- (a) No person shall park or stand any bus, truck or other freight- or passenger-carrying vehicle in excess of one-half-ton capacity upon any public street or highway for a period longer than one (1) hour at any time during the day or night.
- (b) No person shall stop or stand any truck or bus with a body more than eight (8) feet (or 2.4384 m.) wide or ten (10) feet (or 3.048 m.) high on any street or public place without the driver or chauffeur being actually present and in charge thereof.
- (c) No person shall park or stand any truck camper, camper trailer, motor home, boat, boat trailer or other recreational vehicle on any residential street or public place for more than one (1) hour at any time during the day or night.

*Section 19: Fire Zones*

The Fire Chief may designate any area on public property or private property used for public purposes as restricted areas to be known as fire zones in accordance with International Fire Code and State Law. Standing or parking a vehicle in a fire zone shall be a violation of this section and the City may enforce this section by the issuance of a citation and the immediate removal of the vehicle to an impound lot.

*Section 20: Use of parking facilities on City property*

The City Manager may designate certain spaces or areas as reserved for all elected officials, designated administrative officials whose position responsibilities require the provision of a reserved parking space for efficiently discharging those responsibilities and for other general purposes such as court and visitor parking. Occupancy of these reserved spaces or areas by other than those individuals assigned to use the spaces or areas shall be deemed a violation of this section. The Public Works Department shall be responsible for posting of signs to ensure effective notice to parking facility users as to the regulations governing and limitations on the use thereof. It shall be unlawful to park any private vehicle in any City parking facility for a period of more than twelve (12) hours in any one (1) day or to park a commercial or freight-carrying vehicle or trailer in these lots except by written permission of the City Manager.

*Section 21: Parking prohibited during certain hours*

- (a) When prohibited by this Chapter or any other ordinance or by order of the City, no person shall park a vehicle during the hours prohibited at places so indicated by official signs.
- (b) When so indicated as provided in subsection (a) of this section, parking is prohibited on the streets or portions designated by the Public Works Department or, if such designation has not been made, as designated by DeKalb County.

## **Article 5: Traffic Calming Measures**

### *Section 1: Definitions*

For purposes of this Article, certain terms and words are defined. Where words have not been defined, but are defined in a subsequent sub-section of this Article, those words shall have the meaning as defined therein. The following words, terms and phrases when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AASHTO* means the American Association of State Highway and Transportation Officials.

*Affected area* means a geographic portion of a neighborhood consisting of all property owners whose quality of life as a resident in the neighborhood, and not necessarily as a traveler through the neighborhood, is being directly impacted by the cut-through or speeding traffic problem being addressed. The affected area will include all lots from which residents must traverse the traffic calming measure. The affected area will also include all lots from which residents may have an alternate route without traffic calming measures but whose lots have driveways that access the residential street for which traffic calming measures are sought.

*Department* means the Public Works Department.

*Eligible petitioner* means the person whose name is recorded as a property owner in the tax records maintained by the DeKalb County's tax commissioner and board of tax assessors for the address listed on the petition that falls within the affected area.

*Initiator* is a real property owner who has requested an initial interest petition form and/or has assumed a primary role in circulating the initial interest petition and the subsequent traffic-calming petition and undertakes to serve as the City's sole contact with respect to the progress of the initial interest petition and any subsequent traffic study and traffic-calming petition.

*I. T. E.* means the Institute of Transportation Engineers.

*MUTCD* means the Manual on Uniform Traffic Control Devices.

*Real property owners* means homeowners or other real property owners as indicated in the tax records maintained by the DeKalb County tax commissioner and board of tax assessors.

*Reference number* means the number assigned to a completed initial interest petition which meets the City's criteria for a study that will be used to determine the order in which traffic studies will be conducted.

*Residential street* means a street classified and defined as "residential" in the records of the City of Dunwoody Community Development Department.

*Traffic-calming measures* means those methods and processes, prescribed by "AASHTO" or other nationally recognized organizations, that the City may use to reduce aggressive driving

behavior that impairs the quality of life of its citizens in any neighborhood in which the posted speed limit is no greater than thirty (30) miles per hour. Such measures include, but are not limited to, speed humps, bicycle lanes, center traffic islands, splitter islands, and striping and turn restriction lanes.

*Traffic-calming program guidelines* means the guidelines for the design and application of speed humps and alternative traffic-calming measures as adopted by DeKalb County with the traffic-calming program in May 1995 and revised thereafter in March 2001, or as may hereafter be revised by the City of Dunwoody.

*Traffic study* means the process by which data pertinent to the flow, rate of speed and density of traffic, collected over a defined period of time, is measured and analyzed to determine its impact on the safety of citizens within a neighborhood or affected area.

## *Section 2: Application*

The provisions of this Article shall govern in the event that there is any conflict between the provisions of this Article and the provisions in the Speed Humps and Alternative Traffic-Calming Measures Program adopted by DeKalb County in 1995 and amended thereafter, as well as the Guidelines for the Design and Application of Speed Humps and Alternative Traffic-Calming Measures Manual adopted by DeKalb County in 1995 and amended thereafter, collectively referred to herein as the traffic-calming program. The City hereby adopts the current DeKalb County Speed Humps and Alternative Traffic-Calming Measures Program and the current DeKalb County Guidelines for the Design and Application of Speed Humps and Alternative Traffic-Calming Measures Manual, and as they may be amended hereafter by the City. All initial interest petitions and traffic studies pending as of the effective date of the ordinance adopting this Article shall be required to comply with and shall be subject to the provisions of this Article.

## *Section 3: Procedure for requesting a traffic study*

- (a) The City shall require the filing of the initial interest petition on a form promulgated by the Department Director or designee.
- (b) Any person(s) interested in pursuing the installation of traffic-calming measures on a residential street, upon request to the Department, will be provided with an initial interest petition for the Department to perform a traffic study. The initial interest petition must be marked with the date on which it is required to be returned to the Department, hereinafter referred to as the return date. Such return date shall be forty-five (45) days after the date the Department issues the initial interest petition. The initial interest petition will allow for persons to sign in favor of requesting a traffic study or to register their opposition to the conduct of a traffic study.
- (c) All persons signing an initial interest petition to request that the Department carry out a traffic study shall hereinafter be referred to as applicants. All persons opposed shall hereinafter be referred to as opponents.
- (d) All applicants and opponents must be either real property owners or rental occupants.

#### *Section 4: Initial Interest Petition*

- (a) The Department will not consider an initial interest petition unless it is complete, as that term is defined herein, and unless at least twenty (20) percent of the real property owners or rental occupants on the residential street are in favor of the traffic study.
- (b) The completed initial interest petition shall be filed with the Department by the return date as provided for in Section 3(b) above or it shall be deemed abandoned and any further action by the City will require a new initial interest petition.
- (c) In order to be considered complete, the initial interest petition shall include all of the following:
  - (1) The full name, signature, home address, and daytime telephone number of each person that signed the initial interest petition.
  - (2) The date upon which each person signed the initial interest petition.
  - (3) A description of the precise area for which the traffic study is requested by reference to the name of the subdivision or popular name of the neighborhood, or the bridges, streets, roads and where appropriate with house numbers that identify the area where a perceived speeding or cut-through problem exists.
  - (4) The name, address and telephone number of an initiator.
- (d) Only one (1) real property owner or renter for each street address may sign the initial interest petition.

#### *Section 5: Evaluating the initial interest petition and informing the initiator*

- (a) Upon receipt of a completed initial interest petition, the Department will make a determination as to whether at least twenty (20) percent of the real property owners or rental occupants on the residential street are in favor of the traffic study.
- (b) After the Department has received the complete initial interest petition, no signature will be withdrawn from an initial interest petition unless the Department is notified in writing within thirty (30) days, that there is reasonable proof that fraud or other impropriety occurred regarding the obtaining of the petitioner's signature.
- (c) Within sixty (60) days, the initiator of the initial interest petition will be notified in writing by the Department as to whether the initial interest petition meets the criteria for a traffic study. In the event that the Department decides to conduct a traffic study, the written notification to the initiator will include a reference number assigned to the initial interest petition for the conduct of the study.
- (d) In the event that the initiator moves away or is otherwise no longer a point of contact for the Department and a new initiator's name or address has not been provided to the



Department, the Department shall consider the initial interest petition abandoned and shall cease all work on processing of the initial interest petition and any subsequent traffic study.

*Section 6: Traffic study to comply with national standards*

National standards promulgated by the American Association of State Highway and Transportation Officials, the Institute of Transportation and other national standards shall govern the execution of traffic studies and the design and installation of traffic-calming measures.

*Section 7: Priority for the conduct of traffic studies*

- (a) The Department will conduct traffic studies based on the reference number assigned to the completed initial interest petition.
- (b) The Department reserves the right to change the order in which a traffic study is conducted where the Department determines that there is an initial interest petition further down the waiting list for an area that may relate to, or be affected by, another traffic study to be conducted on a neighboring street or in a neighboring area.

*Section 8: The affected area and the traffic-calming plan*

- (a) Where a traffic study is warranted it will be conducted at a time to be determined by, and within the sole discretion of, the Department.
- (b) Upon completion of a traffic study, the Department shall make a determination as to whether the results clearly demonstrate that the installation of traffic-calming measures are warranted based upon the criteria established in the traffic-calming program guidelines.
- (c) When considering traffic-calming program guidelines relating to speeding, the determination regarding whether the established criteria for traffic-calming measures have been met will be based on a comparison of actual study speeds obtained to the posted speed limit. When considering the criteria in traffic-calming program guidelines that relate to cut-through, the determination will include a comparison of cut-through traffic volumes obtained in a study to allowable volumes of cut-through traffic established in those guidelines.

*Section 9: Notification that traffic-calming measures are not warranted*

Following the completion of the study, if the Department Director or designee determines that no traffic-calming measures are warranted, then the Department Director or designee shall notify the initiator of that conclusion in writing.

*Section 10: Notification to the initiator for commencement of traffic-calming conceptual design and presentation of the traffic calming plan for public hearing*

- (a) Where traffic-calming measures are warranted the Department shall, within a reasonable time following the completion of the traffic study, not to exceed twelve (12) months, prepare a traffic-calming conceptual plan and notify the initiator in writing about the traffic-calming conceptual plan.

- (b) The traffic-calming conceptual plan must identify the affected area and include a recommendation for a specific traffic-calming measure or a combination of such measures that the Department has determined to provide the most effective solution to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage. The plan may also include alternative measures that could be installed to provide some relief to the speeding and/or cut-through problems identified in the traffic study for installation in the affected area, having regard to the pavement width, grades, the physical features of the proposed location for the installation measures and any structures that facilitate drainage.
- (c) A public comment period, not to exceed twelve (12) months, shall commence on the date that the letter of notification is sent to the initiator pursuant to subsection (a). During that public comment period, Department staff assigned to work on the traffic-calming conceptual plan shall meet with the initiator(s) and other interested persons for neighborhood input and public comment on the traffic-calming conceptual plan.
- (d) The Department shall, within 60 days of the completion of the public comment period present the traffic-calming conceptual plan to the City Council for a public hearing at a regularly scheduled meeting, of the City Council.
- (e) The date, time, place and purpose of the public hearing must be advertised in the City's legal organ at least once within three (3) weeks prior to the hearing. The Department shall also post signs within the affected area informing residents of the date, time and place of the public hearing and its purpose.
- (f) The City Council may vote to accept or reject the Department's recommendation for installation of the most effective traffic-calming measures, or to accept any alternative measures provided by the Department. Additionally, the City Council may vote to defer the item for up to sixty (60) days for additional review by staff with respect to the traffic-calming measures recommended and the affected area to which the proposed measures would apply.

*Section 11: Traffic calming petition; choice of measures*

- (a) Following the public hearing at which the City Council accepts the recommended or alternative measures, the Department Director or designee shall provide the initiator with a traffic-calming petition form to be used for recording all of the signatures. The petition must set forth the traffic-calming measures approved by the City Council that shall be the subject of the vote and the eligible petitioners will thereby have the opportunity to vote in favor or in opposition to the approved measures. No other measure may be included on the petition.
- (b) The initiator is responsible for circulating the traffic-calming petition to all eligible petitioners in the affected area.
- (c) A traffic-calming petition must be returned to the Department within ninety (90) days of the City Council's decision allowing the installation of traffic-calming measures or it will be

deemed abandoned and no further action shall be taken on the traffic calming petition or the initial interest petition from which it arose.

- (d) The traffic-calming petition shall indicate the full name, signature, home address date, and daytime telephone number for each person signing the selection petition.
- (e) The tax records maintained by DeKalb County's tax commissioner and board of tax assessors shall control in determining whether a signatory to the petition is a real property owner and thus an eligible petitioner.
- (f) In the event that the City Council votes to reject the Department's recommendation no further action shall be taken with respect to traffic calming measures for at least twelve (12) months.

*Section 12: Creation of a special tax district and assessment of costs associated with the maintenance of the traffic-calming measure*

- (a) In order to be eligible for the creation of special tax district the petition must secure signatures in favor of the installation of traffic-calming measures from eligible petitioners representing sixty-five (65) percent of properties in the affected area.
- (b) In the event that the petition secures the requisite percentage of signatures in favor of the approved traffic-calming measure or combination of traffic calming measures, the Director of the Department shall present a Resolution to the City Council at a regularly scheduled meeting and the City Council shall thereafter by said Resolution approve the creation of a special tax district. Advertising for said meeting must comply with Section 10(e) above.
- (c) The special tax district shall be created to include all of real property in the affected area for which the traffic-calming measure was approved. An annual maintenance charge in an amount to be determined by the City Council shall be assessed to and collected from property owners within the affected area as part of their annual property tax assessment for the maintenance of the traffic-calming measures installed pursuant to the creation of the special tax district.

*Section 13: Removal of traffic-calming measures*

- (a) Upon presentation of a petition from eligible petitioners representing sixty-five (65) percent of the properties in the affected area, traffic-calming measures previously installed may be removed. No such petition shall be presented earlier than twelve (12) months after initial installation of the traffic-calming measure(s).
- (b) A removal petition may be obtained from the Department Director or the Director's designee.
- (c) The removal petition shall be returned and filed with the Department within ninety (90) days of the date on which it was provided pursuant to a request or it shall be deemed abandoned and any further action by the City shall require a new removal petition.

- (d) The removal petition shall be presented to the City Council at a public hearing within sixty (60) days of the receipt of the petition. The date, time, place and purpose of the public hearing must be advertised in the City's legal organ at least once within three (3) weeks of the hearing. The Department shall also post signs within the affected area informing residents of the date, time and place of the public hearing and its purpose.

## **Article 6: Abandoned Vehicles**

### *Section 1: Definitions*

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial motor vehicle* means any self-propelled or towed vehicle, or combination of such, designed or used to transport passengers or property and satisfies all or one of the following criteria:

- (1) Has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds;
- (2) Is designed or used to transport more than eight passengers, including the driver, for compensation;
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not for compensation; or
- (4) Is used in transporting hazardous material in a quantity requiring placards in accordance with the motor carrier safety rules prescribed by the United States Department of Transportation, 49 CFR 172.500--172.560.

*Recreational vehicle* means any self-propelled or towed vehicle, or combination of such, used for leisure time activities or as a dwelling unit while traveling. Examples include a camper, a motor home and a travel trailer.

*Trailer* means any nonautomotive vehicle designed to be towed for the purpose of transporting or carrying objects or persons.

### *Section 2: Parking or abandonment prohibited*

It is unlawful for any person to park or abandon a commercial motor vehicle, recreational vehicle, or trailer upon the streets or upon the rights-of-way of the streets and allow said commercial motor vehicle to remain parked or abandoned for more than 72 consecutive hours.

*Section 3: Removal and storage*

Should any sworn police officer find any motor vehicle that has been parked or abandoned as aforesaid, he shall have the right to impound the vehicle and to have same removed from the streets at the expense of the owner, and charge the owners storage.